



TOWN OF DUDLEY

Massachusetts

Office of the Town Clerk

Dudley Municipal Complex
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Dudley, MA 01571

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LEGAL NOTICE Town of Dudley

Warrant Articles #14, 16 and 22 (General) and Warrant Articles #20, 21, 23, 24, 25, 26 and 27 (Zoning) of the Dudley Annual Town Meeting held on May 23, 2011 have received approval from the Attorney General's Office on September 2, 2011. The entire text of these by-laws is posted in the following five places in accordance with M.G.L c. 40 § 32: Dudley Municipal Complex, Dudley Post Office, Pearle Crawford Memorial Library, Dudley District Court House and Shepherd Hill High School.

Warrant Article #15: The Attorney General's deadline for action on Article 15 has been extended for an additional 90 days under the authority conferred by G.L. c. 40, § 32. Chapter 299 of the Acts of 2000 amended G.L. c. 40, §32 to allow for the Attorney General and Town Counsel to agree in writing to extend the period for the Attorney General's review of town by-laws for up to an additional 90 days. The agreement for a 90 day extension has been filed separately with the Town Clerk. The amendments adopted under Article 15 will be acted upon on or before **December 3, 2011**.

ARTICLE 14: As declared by the Moderator it was accepted by majority vote to amend the Dudley General By-laws, Article III Rules of Procedure at Town Meetings, Section 13, by adding the following as the second sentence:

"Once a secret ballot has been so ordered by the Moderator, any voter, not already checked off the voting list by the Registrars shall not be checked off the voting register nor be permitted to participate in the meeting until the result of the secret ballot and the action on the motion has been declared by the Moderator."

ARTICLE 16: Unanimously accepted to adopt a new article to the Town's General By-laws by adding "Article XLVII Economic Development Committee" to read as follows:

Article XLVII Economic Development Committee

Section 1: Authority

There shall be a Economic Development Committee for the Town who shall perform the duties set forth in the following sections of this article and be governed by the provisions thereof.

Section 2: Purpose

Economic Development Committee ("Committee") is established to assist the development of economic growth in our community by strengthening existing businesses and attracting new business to the community.

The Committee works to create, diversify and enhance job growth and to promote business development and stability. The committee can assist businesses and other organizations to further economic development in the community.

Section 3: Membership

The Economic Development Committee shall be composed of seven (7) members whom are residents of the Town. The Board of Selectmen shall appoint five (5) members and the Planning Board shall appoint two (2) members.

Members shall serve staggered three (3) years terms, as established by the Board of Selectmen. Terms shall expire at the end of the respective fiscal year.

Whenever a vacancy shall occur in said committee, the appropriate appointing authority shall fill the vacancy for the remainder of the unexpired term.

All members shall be sworn to the faithful performance of their duties of said committee.

The committee shall select their own officers.

Section 4. Quorum

The quorum for said committee shall be the majority of the members currently appointed and sworn.

Section 5: Duties

A. Economic Development Plan. The Committee shall prepare and present to the Town Meeting annually, a proposed five-year economic development plan for the town. The plan shall include actions to be carried out by the town and proposed joint venture activities in cooperation with other public and private agencies and organizations, for the purpose of enhancing the prosperity and well being of the Dudley and its residents.

The Plan shall be made in consultation with the Board of Selectmen, Planning Board and the Finance Appropriations Advisory Committee. The Committee may seek assistance from the Town Administrator, Town Treasurer, planning office and other municipal departments.

The economic development plan shall be reviewed and revised annually in accordance with the foregoing procedures.

B. Community Economic Resource Guide. The Economic Development Committee shall develop and maintain a Community Economic Resource Guide ("Guide") The "Guide" should contain key information regarding the community with the primary purpose of providing information / attracting business development in the community.

C. Other Duties. The Board of Selectmen or Planning Board may request other projects or tasks to be undertaken by the Committee related to economic development. The Committee shall file a report to the requesting party once the task is completed or an project / task update when requested by the requesting party.

Section 6: Minutes, Public Hearings & Reports

The Committee shall cause to be kept a true record of its proceedings.

The Committee shall hold a public hearing(s), with proper notice, as part of the committee's process in developing an economic development plan, community resource guide or any other plan, policies or programs undertaken by the committee.

The Committee shall provide an annual report to the Board of Selectmen of the committee activities over the past fiscal year. Said report to be included to the Town's Annual Report to its citizens.

The committee shall comply with the open meeting laws of the Commonwealth.

Article 20: Unanimously accepted amend the Zoning By-laws of the Town of Dudley, Groundwater (Aquifer) Protection District, Section 10.01.00 as listed below, or take any other action relative thereto:

ADD the following section to 10.06.00, C.:

10.06.00 Use Regulation

C. Uses and Activities Requiring a Special Permit

- vii. Installing subsurface or above grade tanks to be used for storage, dispensing, or sale of any petroleum product once a grand fathered tank has been removed from the parcel for anything more than replacement of said tank, or for six months, whichever is longer, as determined by the Dudley Fire Department or their representative.

Article 21: Unanimously accepted to amend the Zoning Bylaws of The Town of Dudley Massachusetts, Use by District Chart, Section 2.03.02 as listed below, and the Footnotes for the Use by District Chart, Section 2.03.03 as listed below, as suggested by the Massachusetts Attorney General.

ADD superscript “13” to all “SP” codes in the “District” columns for “Licensed Residential Animal Kennel” as shown below:

2.03.02 Use by District Chart

[illegible]

Animal Kennel SP^{L3} SP^{L3} SP^{L3} SP^{L3} SP^{L3} P P P SP^{L3} SP^{L3}

ADD the following footnote 13 as shown in ***bold italics***:

13 Limitations of residential animal kennels must be applied in a manner consistent with the protections accorded to agriculture under G.L. c. 40A, §3.

ARTICLE 22: Unanimously accepted as amended to amend Article XVI Acceptance of New Streets, to the General By-laws of the Town of Dudley by adding Section “c. Private Road Adoption” as listed below:

ADD the following wording as shown in ***bold italics***:

Article XVI Acceptance Of New Streets

Section 1.

- a. Streets shall be accepted only at Annual Spring Town Meeting.
- b. All materials, hereafter referred to as the “Street Acceptance Package,” shall be submitted in entirety to the Town Administrator’s Office not before the first business day in January and not later than the last business day of January prior to the Annual Spring Town Meeting where street acceptance will be placed on the warrant.

C. Private Road Adoption. Developers/ property owners who are seeking to have their private roads put on the Town’s Annual Town Meeting warrant for acceptance shall have the finish coat of asphalt no more than two years old at the time of acceptance. Roads that have a finish coat of asphalt more than two years old shall be required to have improvements and/or additional maintenance made to them before they can be accepted. The improvements that are needed will be determined by the Highway Department Superintendent or designee, Planning Board, Consultant, Town Engineer and the Selectmen or their designee.

Improvements will include at least one of, but are not limited to, the following:

- ***Crack filling along with oil and sand sealing of the entire roadway, or portions as determined;***
- ***One-and-one-half inch to two inch (1-1/2” – 2”) overlay of asphalt including any necessary blending of driveways and the raising of any roadway structures, to a height flush with the new pavement;***
- ***Complete reclamation and re-grading of the roadway and a minimum of four inches (4”) compacted thickness of asphalt, installed in two lifts and related work;***
- ***Any other improvements the bodies named above or their designees may deem necessary for acceptance.***

ARTICLE 23: Unanimously accepted to amend the Zoning By-laws of the Town of Dudley, Flood Plain District, Section 3.02.00 as listed below, as suggested by the Department of Homeland Security and the Federal Emergency Management Agency.

DELETE in its entirety:

3.02.01 Flood Plain District Delineation

~~The Town is to rely on Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps (FBFM) adopted by the Town by vote of the Town Meeting on May 24, 1982 as an overlay district to determine the flood plain area. (adopted 9-13-89 by the Atty. General) and the Dudley Flood Insurance Study are herein incorporated by reference on file with the Town Clerk, Planning Board and Inspector of Buildings.~~

and **REPLACE** it with:

3.02.01 Flood Plain District Delineation

The Floodplain District is herein established as an overlay district to all other districts.

The District includes all special flood hazard areas within the Town of Dudley designated as Zones A and AE, on the Worcester County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Worcester County FIRM that are wholly or partially within the Town of Dudley are panel numbers 25027C0953E, 25027C0954E, 25027C0957E, 25027C0958E, 25027C0959E, 25027C0961E, 25027C0962E, 25027C0963E, 25027C0964E, 25027C0966E, 25027C0967E, 25027C0968E and 25027C0969E dated July 4, 2011. The exact boundaries of the FPOD may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Official.

ARTICLE 24: Unanimously accepted adopt amend the Zoning By-laws of the Town of Dudley, Flood Plain District, Section 3.02.00 as listed below, as suggested by the Department of Homeland Security, Federal Emergency Management Agency:

ADD the following wording as shown in ***bold italics***:

3.02.02 Flood Plain Use Regulations ("Flood Plain added 5/24/10)

Any use permitted by the underlying zoning district is allowed, provided the use complies with the following additional requirements as well as those of the Massachusetts State Building Code dealing within flood Plain Districts:

- A. Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Inspector of Buildings for its reasonable utilization toward meeting the elevation or flood proofing requirements, as appropriate, of the State Building Code. ***The Wetlands Protection Act regulations may require base flood elevation information to be developed by engineering calculations.***
- B. In the Floodway, designated on the Flood Boundary and Floodway Map, the following provisions shall apply:
 1. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.

2. Any encroachment meeting the above standard shall comply with the flood plain requirements of the State Building Code.
3. Subdivision Standards for the Flood Plain District: All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Flood Plain District established under the Zoning Bylaw it shall be reviewed to assure that:
 - A. The proposal is designed consistent with the need to minimize flood damage; and
 - B. All public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage; and
 - C. Adequate drainage systems shall be provided to reduce exposure to flood hazards; and
 - D. Base flood elevation (the level of 100-year flood) data shall be provided for proposals greater than 50 lots or 5 acres, whichever is the lesser, for that portion within the Flood Plain District.

Article 25: Unanimously accepted to amend the Zoning By-laws of the Town of Dudley, Flood Plain District, Section 3.02.00 as listed below, as suggested by the Department of Homeland Security, Federal Emergency Management Agency.

DELETE:

3.02.04 Conservation Commission Flood Plain District Duties

~~A. Notify, in riverine situations, adjacent communities and the Massachusetts Division of Water Resources, the State Coordinating Agency, proper to any alteration or relocation of a watercourse where an order of conditions has been issued, and submit copies of such notification to the Federal Insurance Administration.~~

and **REPLACE** it with:

3.02.04 Conservation Commission Flood Plain District Duties

A. Notify in riverine situations the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States
- NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
- NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Article 26: Unanimously accepted to amend the Zoning By-laws of the Town of Dudley, Flood Plain District, Section 3.02.06 as listed below, as suggested by the Massachusetts Attorney General and the Department of Homeland Security, Federal Emergency Management Agency :

DELETE Section 3.02.06 in its entirety:

~~3.02.06 Massachusetts State Building Code in the Flood Plain District~~

~~All provisions of Section 774.0 through 774.4, inclusive (Design Requirements for Floodplains High Hazard Areas) of the Massachusetts State Building Code, as amended, are considered to be part of this Zoning Bylaw.~~

and **REPLACE** it with:

3.02.06 Reference to Existing Flood Plain Regulations

All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws, and/or its updates, and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas ;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00, and amendments);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00)
- Minimum requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5, and amendments);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

ARTICLE 27: Unanimously accepted to amend the Zoning By-laws of the Town of Dudley, Flood Plain District, Section 3.02.00 as listed below, as suggested by the Department of Homeland Security, Federal Emergency Management Agency's.

DELETE the existing 3.02.05 Board of Appeals Rules and Regulations in the Flood Plain District:

~~3.02.05 Board of Appeals Rules and Regulations in the Flood Plain District~~

~~Should the Board of Appeals consider a request for a variance from the regulation set forth for the Flood Plain District of Zoning Bylaw, the following procedures will be adhered to:~~

- ~~A. The Board of Appeals shall only issue a variance upon:
 - a showing of good sufficient cause; and
 - a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws; and
 - a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~
- ~~B. Variances may be issued for structures to be erected on a lot of one half acre or less in size, if otherwise permitted by law, contiguous to and surrounded by lots of one half acre or less in size, if otherwise permitted by law, contiguous to and surrounded by lots with existing structures constructed below the base flood level.~~
- ~~C. A variance shall not be issued within any designated regulatory Floodway if any increase in flood levels during the base flood discharge would result.~~
- ~~D. If a variance is granted, the Board of Appeals shall notify the applicant in writing over their signature that:~~

- ~~1. The issuance of such variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$50 for \$100 of insurance coverage, and~~
 - ~~2. Such construction below the base flood level increases risks to life and property.~~
- ~~E. The Board of Appeals will maintain a record of all variance actions, including justification for their issuance and report such variances issued in the Annual Report submitted to the Federal Insurance Administration.~~
- ~~F. Variance may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or on State Inventory of Historic Places, without regard to the procedures set forth above.~~

and **REPLACE** it with:

3.02.05 Board of Appeals Rules and Regulations in the Flood Plain District

The Zoning Board of Appeals cannot grant variances to standards of state regulations.

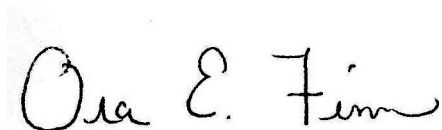
Article 28: Unanimously accepted to amend the Official Zoning Map of the Dudley Zoning By-laws to change five parcels more or less of land described below from LI-43 to RES-10.

Using the Dudley Assessor's Map Number 119, starting at the southeasterly corner of Lot 125 where the lot meets the taking of Progress Avenue (referred to as "Progress Road" on Assessor's Map 119), proceed due west for a distance of approximately 142.8 feet more or less; then northerly for a distance of approximately 55 feet, more or less; then west-south-westerly following Lot 127 for a distance of approximately 718 feet more or less; then northeasterly for a distance of approximately 200 feet more or less; then east north easterly a distance of 665 feet more or less; then northwesterly following the boundaries along Lot 128 and Lot 129 a distance of 160 feet more or less; northeasterly along the boundary of Lot 129 a distance of 150 feet more or less; northeasterly along the boundary of Lot 129 a distance of 150 feet more or less; then southeasterly following the taking boundary of Progress Avenue along the boundary of Lot 129 and Lot 128 a distance of approximately 160 feet more or less; then almost due southerly again following the boundary of the taking of Progress Avenue along Lot 126 and Lot 125 a distance of 280 feet more or less to close the area.

Very truly yours,

Martha Coakley
Attorney General

By: Margaret J. Hurley, Assistant Attorney General
Director, Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608

A handwritten signature in black ink that reads "Ora E. Finn". The signature is written in a cursive style with a large initial "O" and a distinct "E".

A True Copy. Attest:

Ora E. Finn, Dudley Town Clerk

Return of Service:

I have posted the five (5) notices as requested at the places listed above on this ____ day of September 2011.

Constable, Town of Dudley